REMARKS

The Office Action mailed September 1, 2005, has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

Claims 1-36 are pending. Claims 1, 14, 20, 27, and 33 have been amended. Support for the amendment to claims 1, 14, and 27 is found, *inter alia*, in the specification on page 9, lines 4-5. Claims 20 and 33 have been amended to correct a minor grammatical error.

THE CLAIMS ARE PROPER

Claims 20 and 33 stand objected to because "wherein" is misspelled. Applicant has corrected the spelling in claims 20 and 33. The claims are now proper. Withdrawal of the objection is respectfully requested

THE CLAIMS ARE DEFINITE

Claims 1-36 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner alleges that claims 1, 14, and 27 are indefinite for reciting the phrase "NFPA 262 standard." Applicant has deleted the phrase from the claims. Withdrawal of the rejection is respectfully requested.

THE CLAIMS ARE NOT ANTICIPATED OR OBVIOUS

Claims 1, 6, 8, 14, 19, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Madry et al. (U.S. Patent No. 5,262,593). Claims 2, 12, 13, 15, 27, 28, 32, and 33 stand rejected under 35

U.S.C. § 103(a) as being obvious over Madry et al. in view of Tuunanen et al. (U.S. Patent No. 6,130,385). Claims 3 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Bondon (U.S. Patent No. 3,227,800). Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Madry et al. in view of Sullivan (U.S. Patent No. 3,089,567). Claims 5 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Willis et al. (U.S. Patent No. 4,910,998). Claims 7 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. Claims 9-11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Houston et al. (U.S. Patent No. 6,596,393). Claims 22-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Bleich et al. (U.S. Patent No. 5,898,133). Claim 29 stands rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Tuunanen et al., and further in view of Bondon. Claim 30 stands rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Tuunanen et al., and further in view of Sullivan. Claim 31 stands rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Tuunanen et al., and further in view of Willis. Claims 34-36 stand rejected under 35 U.S.C. § 103(a) as being obvious over Madry et al. in view of Tuunanen et al., and further in view of Houston et al. Applicant respectfully traverses the rejections.

To anticipate a claim, the reference must teach every element of the claim. *See* MPEP § 2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP 2143.

The cited references, taken alone or in combination, fail to disclose every element of the claimed invention. In particular, the references fail to disclose the filament wrap in a spiral pattern having a twist frequency of about 20-30 twists/foot (emphasis added). The only references cited by the Examiner showing a spiral filament wrap are Madry et al. and Bondon. Neither of those references (Madry et al. and Bondon) discloses or suggests a twist frequency of about 20-30 twists/foot. Nor is that deficiency satisfied by the other cited references.

Applicant has discovered that by using a spiral filament wrap of about 20-30 twists/foot, it is possible to achieve a high quality of signal transmission, while minimizing the amount of fuel (insulation) that can feed a fire. Typically, signal transmission quality improves with increased insulation; however, the increased insulation would normally disqualify the cable from plenum use because it provides too much fuel in case of a fire. Applicant has discovered that wrapping the conductor with a filament in a spiral pattern of about 20-30 twists/foot effectively increased the insulation without significant addition of insulation material to fuel a fire. Moreover, twist frequencies lower than about 20-30 twists/foot cause the insulator to collapse

into the air space resulting in poor signal propagation, while higher twist frequencies adversely affect the fire characteristics of the cable resulting in failure to meet industry standards for plenum cables (UL 910 or NFPA 262). Applicant's discovery is not disclosed, suggested, or contemplated by the cited references, taken alone or in combination. Therefore, because the cited references fail to disclose or suggest every element of the claimed invention, they cannot anticipate or render the invention obvious within the meaning of 35 U.S.C. § 102 or 103. Accordingly, Applicant respectfully requests withdrawal of the rejections.

CONCLUSION

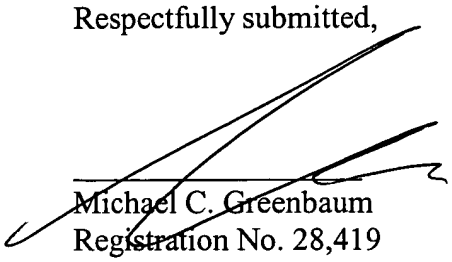
Applicant has responded to the Office Action mailed September 1, 2005. All pending claims are now believed to be allowable and favorable action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (110938-00168). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time.

Any fees due are authorized above.

Respectfully submitted,



Date: November 30, 2005

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